

# COMPLAINT

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Roland Chambers Jr. c/o Reliable Brokering  
1805 Clemson Rd.  
Unit # 290504  
Columbia, SC 29229

**In pro persona**

**DISTRICT COURT OF SOUTH CAROLINA  
FEDERAL JURISDICTION**

Plaintiff:

Roland Chambers Jr. c/o Reliable Brokering

Vs.

Defendants:

Amazon.com Inc., Apple Inc., Artist Direct.com, Bop.fm, CCMusic.com, CD  
Baby, CD Universe,

HBDirect.com, Rakuten.com, Sears.com, Tower.com

**COMPLAINT FOR:**

**COPYRIGHT INFRINGEMENT, DMCA VIOLATION, AND EXCLUSIVE  
RIGHT TO REPRODUCTION**

The **Digital Millennium Copyright Act (DMCA)** is a United States copyright law that implements two 1996 treaties of the World Intellectual Property Organization (WIPO). It criminalizes production and dissemination of technology, devices, or services intended to circumvent measures (commonly known as digital rights management or DRM) that control access to copyrighted works. It also criminalizes the act of circumventing an access control, whether or not there is actual infringement of copyright itself. In addition, the DMCA heightens the penalties for copyright infringement on the “Internet”.

**Section 106 of the copyright law provides the owner of copyright in a work the exclusive right:**

- To reproduce the work in copies;
- To prepare derivative works based upon the work;
- To distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the work publicly;
- To display the copyrighted work publicly
- In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

**Section 501 of the copyright law states that “anyone who violates any of the exclusive rights of the copyright owner ...is an infringer of the copyright or right of the author.”**

**Generally, under the law, one who engages in any of these activities without obtaining the copyright owner's permission will be liable for infringement.**

1. Plaintiff Roland Chambers Jr. c/o Reliable Brokering (hereinafter “Plaintiff”) makes the claims of Copyright Infringement, violation of the DMCA, and violation of Exclusive Right to Reproduction. The claim is made against the Defendants: Amazon.com Inc., Apple Inc., Artist Direct.com, Bop.fm, CCMusic.com, CD Baby, CDUniverse.com, HBDirect.com, Rakuten.com, Sears.com, and Tower.com (hereinafter “Defendants”).

## **Jurisdiction and Venue**

2. This Court has jurisdiction over all causes of action asserted herein pursuant to the Federal Question, because this case is a cause given by statute to federal courts.
3. Also, venue is proper because the causes of action stated herein arose in this judicial district, and Plaintiff resides in this Richland County, SC.

## **Parties**

4. Plaintiff is an individual who resides in the County of Richland, State of South Carolina.
5. Defendants are corporations outside the State of South Carolina.

## **Factual Claims**

6. In the year of 2001 Plaintiff provided Defendant (CD Baby) with 5 compact discs, which contained 11 songs and 1 video to act as an “online consigner” only. Out of the 12 pieces of work 6 songs were registered with the United States Copyright Office for exclusive copyright ownership to Reliable Brokering a business owned and operated by Roland Chambers Jr.
7. Plaintiff discovered the compact disc including the 6 songs registered with the Copyright Office were still selling in 2014 beyond the quantity ever produced, and in various formats including digital files and physical discs.
8. Defendant (CD Baby) made no payment for the disc until 2014 after Plaintiff purchased one disc via Amazon.com. CD Baby could not account for the other 4 disc, which; defendant has a 2014 email proving such.
9. CD Baby was discovered selling the copyrighted works in digital download format and the physical compact disc format. The plaintiff never made the files in a digital form and this action by CD Baby not only violates the Copyright Act, but it also violates the DMCA and exclusive right to reproduce. **The barcodes were never scanned and the digital files did not contain the proper ISRC codes.**
10. The remaining defendants also violated the Plaintiff’s rights. The Plaintiff has URL links from Apple iTunes/gargeband.com offering the digital formats of the 6 copyrighted works, which; constitutes infringement and violates the DMCA. Along with screenshots of Artist Direct.com and

Bop.fm offering digital files that were taken in 2014. As well as screenshots of Amazon.com, CCMusic.com, CDUniverse.com, HBDirect.com, Rakuten.com, Sears.com, and Tower.com offering the physical copy for sale, which; violates the Plaintiff's copyrights. Amazon.com offered the disc through third party vendors on the United States website including domains in Spain, Italy, England, Germany, India, France, Japan, and Denmark for prices around \$200.00.

11. The demand breakdowns for each defendant are attached along with explanation of STATUTORY and PUNITIVE DAMAGES.
12. Plaintiff (Roland Chambers Jr.) is in fear of his life including the lives of his three children and their mother. As well as the lives of his elderly parents who are not able to defend their selves due to the nature of this civil lawsuit. It is the request of the Plaintiff that the court does **NOT** honor a Motion to Dismiss made by the defendants due to the circumstances.

Date 12-30-2014

Signed by: Roland Chambers Jr.

Roland Chambers Jr.

*Plaintiff*

UPC Barcode: 643157039525

Album Title: Planet Pimp

Artist Name: Pimp Associates

Tower ID# 106198652

Cd Universe Part#7145399 Catalog #5637432920

Amazon.com Item #B000CADC7Q

entertainment.sears.com/pimp-associates-planet-pimp/643157039525

HBDirect.com Catalog # CDBY 5637432920

CCMusic.com Item# CDBY39525

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Amazon.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**CHAMBERS vs. APPLE INC. Itunes/garageband.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Digital Millennium Copyright Act violation (digital downloads made available): 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Cost of allowed for Ringtones made available:  $(6) (5,000)(4745) = 142,350,000$

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Punitive damages for violation of DMCA:  $(5,000)(6)(4745) = 142,350,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act and DMCA: 4,569,500,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Artist Direct.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Digital Millennium Copyright Act violation (digital downloads made available): 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Punitive damages for violation of DMCA:  $(5,000)(6)(4745) = 142,350,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act and DMCA: 4,427,150,000



**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. BOP.fm**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Digital Millennium Copyright Act violation (digital downloads made available): 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Punitive damages for violation of DMCA:  $(5,000)(6)(4745) = 142,350,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act and DMCA: 4,427,150,000



**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. CD Baby**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Digital Millennium Copyright Act violation (digital downloads made available): 6 songs

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Punitive damages for violation of DMCA:  $(5,000)(6)(4745) = 142,350,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act and DMCA: 4,427,150,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. CD Universe.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Collector's Choice/ CCMusic.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. HBDirect.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Rakuten.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Sears.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000

**STATUTORY DAMAGES (willful infringement)**

**Chambers vs. Towerrecords.com**

Based on Amendments of the Statutory Damages Enhancement

Section 504(c) of title 17, United States Code

Violation Realized in 02/2014

Years of ongoing violation: 2001-2014 (13)

Number of days in years of violation:  $13(365) = 4745$

Number of songs or pieces of work violated by copyright infringement: 6 songs

Cost of daily violation for 6 songs:  $(150,000) (6) (4745) = 4,270,500,000$

\*(according to statutory damages based on Copyright Damages Enhancement Act of 1999)

Punitive damages not requiring proof (100,000 annual): 1,300,000

Punitive damages based on evidence of "willful" infringement for profit:  $13(500,000) = 6,500,000$

Violation of album images displayed:  $13(500,000) = 6,500,000$

Total demands based on Copyright Act: 4,284,800,000



RESPONDENTS / DEFENDANTS:

Amazon

Amazon.com Inc.  
Attn: Jeffrey P. Bezos or CEO  
1516 2<sup>nd</sup> Ave.  
Seattle, WA 98101

Artist Direct

Legal & Business Affairs  
ARTISTdirect.com c/o Relativity Media, LLC  
8899 Beverly Blvd. Ste  
510 West Hollywood, CA 90048

Bop.FM

Shehzad Daredia  
260 King St Unit 623  
San Francisco, CA 94107  
ph# (415) 508 - 6061

Apple

Apple Inc.  
Attn: Timothy D. Cook or CEO  
1 Infinite Lp  
Cupertino, CA 95014

Collector's Choice

CCMusic.com  
740 Hilltop Dr  
Itasca, IL 60143  
ph# (630) 919 - 2247

CD Baby

CD BABY d/b/a/ Audio Video Lab  
Attn: Joel Andrew or CEO  
13909 NE Airport Way  
Portland, OR 97230

CD Universe

Cduniverse.com  
101 N Plains Industrial Rd  
Wallingford, CT 06492  
ph# (800) 231 - 7937

hbDirect.com

HBDirect  
P.O. Box 309  
Waterbury Center, VT 05677  
(800) 222 - 6872

Rakuten

USA Corporate Office Headquarters  
Rakuten, Inc.(Formerly Buy.com)  
85 Enterprise Ste 100  
Aliso Viejo, CA 9265  
ph# (949) 448 – 5400

Rakuten, Inc. Japan Corporate Office  
Shinagawa Seaside Rakuten Tower  
4-12-3 Higashi-shinagawa  
Shinagawa-ku, Tokyo 140-0002

Sears

Sears Corporate Office  
3333 Beverly Rd  
Hoffman Estates, IL 60179  
ph#: (847) 286-2500

Tower Records

Tower.com  
2500 Del Monte St Bldg C  
West Sacramento, CA 95691  
(800) 369 - 8693

Type of Work: Music

Registration Number / Date:  
PA0001022566 / 2000-07-07

Title: Planet Pimp.

Description: Compact disc.

Notes: 6 songs.

Performer: Performed by Pimp Associates.

Copyright Claimant:  
Reliable Brokering

Date of Creation: 2000

Date of Publication:  
2000-06-27

Authorship on Application:  
words & music: Pimp Associates, pseud.

Copyright Note: C.O. correspondence.

Names: Reliable Brokering  
Pimp Associates, pseud.

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